

**PLANNING & ZONING COMMISSION  
MEETING  
MARCH 28, 2006**

**Present:**

Sarah Murphy, Chairman  
Bill Talley Vice-Chairman  
Kevin Bittinger  
Allan Feldman  
Jim Crain  
Derryll Anderson

**Call to Order**

Chairman Murphy called the March 28, 2006 meeting to order. The first item on the agenda was approval of two sets of minutes from the February 28, 2006 meeting and from March 14, 2006 called meeting. There were no changes.

Chairman Murphy called for a motion on the February 28, 2006 meeting minutes.

***Motion:*** Vice-Chairman Talley motioned to approve the minutes of February 28, 2006 meeting.  
***Second:*** Commissioner Feldman seconded the motion.  
***Vote:*** Unanimous

Motion carried.

Chairman Murphy called for a motion on the March 14, 2006 called meeting minutes.

***Motion:*** Commissioner Anderson motioned to approve the minutes of March 14, 2006 called meeting.  
***Second:*** Commissioner Feldman seconded the motion.  
***Vote:*** Unanimous

Motion carried

**Old Business**

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if notifications had been received. Mr. Gunn responded no.

**Stone Property, Highway 54 West & Gingercake Creek – Rezoning from C-3 & R-40 to MO – File # 06-001**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is requesting to rezone approximately 20-acres of property located along Highway 54 West. The property is currently zoned C-3 (highway commercial along Highway 54 and R-40 single family residential in the rear). The City of Fayetteville's Comprehensive Plan Future Land-Use Map designates the C-3 zoning for office use and rear part of the property be single-family residential. The applicant is proposing to reduce some of the commercial uses to office use. Mr. Gunn showed a concept plan of the property and how the applicant plans to lay out the site with a mixture of commercial and office in the front and residential in the rear. He added that the applicant eliminated the proposed road on Burch Road. The requirements for Medical Office zoning called for two access points; it is also a requirement that the access points be at least 500-feet apart. The applicant is asking the commission to grant a variance to eliminate one access. However, the commission does not have the authority to grant a variance to eliminate the access points; therefore, the commission had asked staff to look at changing the ordinance where the commission would have the authority to change the distance and the number of access points. Mr. Gunn gave a copy of a proposed ordinance change to each of the commissioners. He added that the ordinance would give them permission to change the number of access points and would allow one access into this development. However, the City Attorney also advised that staff should not make any changes to the ordinance to allow the commission to change the distance between the access points because GDOT requires that the access points be 500-feet apart. Mr. Gunn showed a revised concept plan.

Chairman Murphy said if the commission was going to recommend a change to the zoning ordinance for MO to allow the only one access point, that change would have to be advertised, and since this has not been advertised yet, the commission cannot act on the ordinance at this time.

Mr. Jerry Peterson represented this project. He explained the layout of this development. He also addressed the access, noting that there could have only one major street access and that the applicant is proposing a minor right in/right out into the site. He said that they felt there is a need for the minor access because of safety issues.

Chairman Murphy said before the meeting the commission discussed the possibility of having a second entrance toward the creek to line up with Marquis Drive.

Mr. Peterson said that the major entrance is lined up with Marquis Drive.

Chairman Murphy said that they just trying to see what his other options were on the access to the development, and whether it were possible to have a second entrance closer to the creek.

Chairman Murphy called for public comments. There were none. She then called on the commissioners for their comments.

Commissioner Bittinger asked for how far apart were the two entrances.

Mr. Peterson said there were 250 feet apart.

Vice-Chairman Talley asked if it would be easier to eliminate the requirement for two access points instead of a variance to reduce the distance between the access points.

Chairman Murphy said that was the reason for the amendment to the ordinance to allow the commission to eliminate one access point. The applicant is saying that he prefers two entrances.

Commissioner Bittinger asked the applicant if there could be an agreement with the Bank for inter parcel access.

Mr. Peterson said they did talk to the Bank and they were not too interested to have traffic going through their private street.

Commissioner Anderson asked about a private entrance.

Commissioner Feldman said that they could do a gated entrance for emergency vehicles only.

There were discussions on the distance between access points.

The commission agreed that the layout was good.

Vice-Chairman Talley agreed with Chairman Murphy that they should wait until everything is acceptable rather than approving the development in pieces with conditions attached to it.

The applicant said that with the zoning in place the applicant could go ahead and work on the engineering.

Chairman Murphy added that since this applicant would have come back next month for a special exception to allow the residences, as the MO ordinance requires, she felt

that they should approve the whole package instead of in pieces. She asked the applicant if the commission went with the proposed ordinance change and were able to allow the single entrance, if he could live with that.

Mr. Peterson said that he would like to deal with that at the development process stage.

There was discussion about whether it would be preferable to change the ordinance to allow a single entrance, or whether it would be preferable to reduce the required distance between two entrances. Chairman Murphy said the commission would have to figure out within the next thirty days which way they are going to go, so that the ordinance change can be advertised and adopted.

Commissioner Bittinger said that they should just send the ordinance through.

Chairman Murphy added that the ordinance had not been advertised yet. She added said that the Chairman is going to make a motion.

**Motion:** Chairman Murphy moved to table this project until all of the details have been worked out.  
**Second:** Vice-Chairman Talley seconded the motion.  
**Vote For:** Vice-Chairman Talley, Commissioner Crain  
**Opposed:** Commissioners Anderson, Feldman and Bittinger

Motion failed.

Chairman Murphy called for another motion.

**Motion:** Commissioner Bittinger motioned to recommend the rezoning from C-3 and R-40 to MO (Medical Office) with stipulations that the site plans is similar with what is submitted and with no access off Burch Road.  
**Second:** Commissioner Feldman seconded the motion with a friendly amendment that the approval by City Council should be stipulated to the fact that the problems with the entrances be resolved.  
Friendly amendment accepted.  
**Vote For:** Commissioners Anderson, Feldman and Bittinger.  
**Opposed:** Vice-Chairman Talley, Commissioner Crain.

Motion carried.

### **Recognition and Presentation**

Chairman Murphy stated that before they go into the new business they have a special agenda item that they would like to discuss. She called on Mayor Pro Tem and Council member Mr. Wilson Price to address the commission.

Pro Tem Mr. Wilson Price stated that the City liked to recognize people when they make a contribution to the City of Fayetteville. Mr. Jim Crain is leaving this fine City of Fayetteville and moving to the furthest point in the United States and he would like to present Commissioner Crain with a plaque. Mr. Price read the inscription on the plaque: "Presented in appreciation to Jim Crain by the Mayor and City Council for outstanding and dedicated service to the City of Fayetteville while serving on the Planning and Zoning Commission from September 26, 2000 to March 28, 2006 presented this day March 28, 2006". He thanked Mr. Crain for his many years of service to the City of Fayetteville.

Chairman Murphy added that she would like to echo Mr. Price's comments on behalf of the Planning and Zoning Commission and to state how they enjoyed working with Mr. Crain and he will be missed.

Commissioner Crain thanked the Mayor and City Council, Planning Commission and City staff; he said it has been quite an honor to serve. When he came on he did not know what he was getting himself into, but has learned a lot. It was very exiting and he looks forward to seeing the City of Fayetteville continue to grow.

Commissioner Bittinger said it was an honor to serve with Commissioner Crain.

### **New Business**

#### **Station 314, Highway 314 & New Hope Road – Development Plans & Variance from (Sec. 42-71) - File # 06-003**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct a 12,000 square foot building for retail on approximately 2.35 acre-lot located on Highway 314 and New Hope Road. Staff has tried to encourage less intensive commercial uses on the right side and more intensive uses on the left side. The property is currently vacant and is zoned C-2 Community Commercial. Mr. Gunn stated that the building will face Highway 314 and ingress/egress to the property will be provided on both Highway 314 and New Hope Road. He added that a shared drive is planned on 314 for future development of the property adjacent and south of this development. Mr. Gunn said that in addition to the highway corridor buffer required along Highway 314, there is a required 50-foot undisturbed buffer on the rear of the site between this property and the adjacent residential property. At the work session, the applicant was asked about the variance to reduce the buffer in order to put the driveway into the buffer and that the applicant was asked to get letters from the neighbors stating that the variance was not a problem. Mr. Gunn added that even though the properties in that area are residential, the owners are marketing their properties as O&I. uses. He said although the site is located near the Fayette Pavilion, the building of architectural influence in this area is the Harris Stone Commercial building. The architecture for the site matches the Fayette Pavilion and the commission indicated that it was okay because of its proximity to the Pavilion. The applicant said that he did not receive the letter from the neighbor yet. Mr. Gunn

informed the commission that the applicant revised their site plan to go forward without a variance. All of the staff concerns and comment have been met, staff recommended approval.

Chairman Murphy called on the applicant

Mr. Darrell Baker with Thomas Enterprise represented this project. He said they are the current land-owners and would be selling the property. He said based upon comments from the work session, and since the drive goes to New Hope Road that they finished all four-side elevations of the building. He added that he spoke to the neighboring property owner to obtain a letter regarding the reduction of the buffer; but they were not willing to issue a letter saying they were okay with it. However, he changed the site plan so as not to need the variance. The only change is that the cross access does not line up anymore. Mr. Baker said that Discover Point Daycare would be bringing in their plans for the lot next to this one and would be doing one on the Southside.

Chairman Murphy called for public comments.

Ms. Carolyn McCullough had a question regarding the Prince of Peace Lutheran Church; she wanted to know what the spacing is between the church and the property next to it.

Mr. Baker said that there might not be a setback requirement between the church and the daycare center. He said the building set on the middle of the property.

Chairman Murphy called on the commissioners.

Commissioner Bittinger said it would have been better to go with the variance to line up the cross access; but since the applicant did not receive a letter from the neighboring property owner then this is the way to go.

Chairman Murphy added that it has been the practice not to grant a buffer variance unless the commission has the written consent of the adjoining property owner.

The commissioners advised the applicant that it was better if he withdrew the variance.

Mr. Baker said he would like to withdraw the variance to reduce the buffer.

Chairman Murphy called for a motion.

**Motion:** Commissioner Anderson motioned to approve the development plans for Station 314.

**Second:** Commissioner Feldman seconded the motion with discussion.  
Is the inter-parcel access a safety issue?

Mr. Baker said that he did not think so.

***Vote:*** Unanimous

Motion carried.

**275 Lee LLP, 275 South Lee Street – Preliminary Plat – File # 06-004**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is requesting approval of a preliminary plat for 275 Lee Street that will divide the property into four separate parcels. The owners of Integrated Science & Engineering (ISE) for office use acquired this property in two separate purchases during the 1990's. The 4,000 square foot office building was built and the 1,100 square foot home was renovated for office use. Mr. Gunn said that the building is on lots 1 and 4; and the proposed plan would add lots 2 and 3. Staff gave the applicant several concerns which had been addressed. Mr. Gunn added that the commission had asked staff about the building that was going over the setback. He spoke to the City Attorney about it and was told that the building was built before the ordinance was changed; and if the applicant did not make any changes to the building, then it was okay to approve the preliminary plat. Staff recommended approval.

Chairman Murphy called for public comments. There were no public comments. She then called on the commissioners.

Commissioner Feldman said that he thought that you couldn't subdivide a lot into a non-confirming use.

Chairman Murphy said since the applicant is not expanding or changing the non-confirming use then it is okay to approve because the non-confirming use is the building and not the lot.

Chairman Murphy called for a motion.

***Motion:*** Commissioner Feldman motioned to approve the preliminary plat.

***Second:*** Commissioner Bittinger seconded the motion.

***Vote:*** Unanimous

Motion carried.

**Grove Park, Highway 314 – Preliminary Plat - File # 03-040.01**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to develop 60 single-family detached homes on 19 acres located on Hwy. 314 and they would be developed as DR-15 PUD. This development was approved by City Council on January 19, 2006. Mr. Gunn noted that the applicant had since addressed several concerns that were discussed.

As a part of the rezoning approval, several conditions were placed on the property by City Council. These conditions include:

- Development as a PUD with single-family detached homes
- Minimum house size – 1,800 square feet
- Minimum lot sizes – 6,600 square feet and minimum 60 feet width
- Architectural style and design based on “Sample Homes”
- Detention pond shown east of Neal’s Trace subdivision will be constructed only if necessary
  - ✓ will be constructed with a minimum 2% slope in the bottom
  - ✓ will not be used for storm water quality treatment
  - ✓ will direct water flow away from adjacent community homes.
- Make every effort to utilize rear or side loading garages.
  - ✓ the garages will be required to have single bay doors with architectural features consistent with the style of the house.

Staff recommends approval of the proposed preliminary plat contingent on the applicant addressing all of the conditions from the City Council minutes.

Chairman Murphy called on the applicant for additional comments.

Ms. Donna Black with Scarborough & Rolader represented this project. She said that the plan has not changed since the zoning process, which was a detailed process in which they were able to work out many things that would have otherwise been addressed at the preliminary plat stage. She said the light on Highway 314 was the subject of discussion, and they are currently in the process of preparing DOT plans to make that light into a four-way intersection with the appropriate decel lanes. She did not have specific details yet to tell whether the elongated pond would be taken out or not. Ms. Black added they have agreed to all of the conditions the Mr. Gunn read. She said there were some questions about the rear entry garages and they would install rear entry garages where they could be accommodated.

Chairman Murphy called for public comments.

Ms. Carolyn McCullough spoke about the detention at the top right hand corner of the plat. She said that detention pond was supposed to be moved or eliminated.

Chairman Murphy said there is not a detention pond at the top right hand corner of the plans, and that it had been eliminated.

Mr. Paul Oddo, City Council member, said that the Planning and Zoning Commission should consider reserving onto itself an easement on the right side of the plat for some future date if the City decides it might be necessary for a second access, that the City would already control the right-of-way in order to build an access onto that road.

Chairman Murphy asked where he was talking about.



Mr. Oddo pointed to a location on the right of the plat.

Chairman Murphy asked the applicant if she would like to address that question.

Ms. Black said during the planning stages there were a great number of meetings held including one with the adjacent home owners from the Clairmont subdivision and that it was made clear under no circumstance did they want an entrance onto Biltmore Drive. The applicant agreed not to put an entrance there.

Chairman Murphy called for the commissioners' comments.

Commissioner Feldman did not agree with a cut through to the Clairmont subdivision.

Chairman Murphy said she agreed with the applicant because there were many meetings, at which the home owners were told that things were going to be done a certain way, and she would not want to go back on what the home owners were led to expect--unless there were a safety issue.

Mr. Gunn said there were no safety issues.

Commissioner Crain said he could not agree to bring in an inter-parcel access after the site has been planned and that was the reason it goes through the Planning and Zoning process to have all of the entrances sorted out.

Commissioner Bittinger said that he does not agree with inter parcel access; it needs to stay the way it was planned.

Commissioner Anderson also did not agree with the cut through on Biltmore.

Chairman Murphy called for a motion.

**Motion:** Commissioner Feldman motioned to approve the preliminary plat for Grove Park.

**Second:** Commissioner Anderson seconded the motion.  
Chairman Murphy offered a friendly amendment that the approval be conditioned upon the developer meeting all of the conditions placed on the project by City Council as outlined in staff's memo.  
Friendly amendment accepted.

**Vote:** Unanimous

Motion carried.

**Granger Office Building, Bradley Drive @ Dennis Drive - Development Plans**  
**File # 06-005**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct a 2-story medical office building on an approximately 1-acre lot located on Bradley Drive. The building will be approximately 10,000 square feet with 5,000 square feet on each level. Mr. Gunn added that the property is currently vacant and is zoned OI Office Institutional. The upper/main level will open at the front of the building facing Bradley Avenue and the lower level will open to the rear. Ingress/egress to the property will be provided on both Bradley Drive and Dennis Drive. He said although the site is triangular shaped, adequate parking is provided and no variances are needed to comply with parking, buffer or landscaping requirements. The required parking for this site is based on the number of examination room and employees and the applicant meet those requirements. The building of architectural influence in this area is the Fayette Pavilion. The applicant has addressed staff comments and the commission had asked that the applicant add a window on the bottom level and the applicant have added those. Staff recommended approval contingent on the applicant addressing all staff comments.

Chairman Murphy called on the applicant for additional comments.

Ms. Donna Black represented this project. She said that they did revise the plans showing the windows on the bottom level and Mr. Feldman had asked how they were going to access the parking as it goes around the building. She said that they had supplied the grading plans showing how the parking would be accessed. Ms. Black said that Ms. Anderson asked if it would be possible to bring a sidewalk from one front door to the other front door, but because of the grade it is not possible to add a sidewalk so close to the building. She added that there is a sidewalk at the end of the parking lot to the front door and another to the other front door.

Chairman Murphy called for public comments. There were no public comments. She then called on the commissioners for their comments.

Commissioner Bittinger said he had asked at the work session about the sidewalks close to the building.

Ms. Black said that was what she explained to Commissioner Anderson and that is was just not possible because of ADA and that they would have to put steps.

Commissioner Feldman asked about the entrance having no sidewalk and that adding steps is ADA acceptable because ADA requirements says that it should be accessible.

Ms. Black said that the tenants would be different; the tenant on the top floor would not be the same as the tenant on the bottom floor. She added that there needed to be a concrete pad in the front of the door that goes to the parking lot and that was inadvertently left off and the awning over the door is not shown on the elevations.

Chairman Murphy called for a motion.

**Motion:** Commissioner Crain motioned to approve the development plans for Granger Office Building.  
**Second:** Commissioner Feldman seconded the motion.  
**Vote:** Unanimous

Motion carried.

**Prestige Park, 874 Highway 54 West – Development Plans - File # 05-026.01**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct the first of two approximately 41,000 square feet two-story medical office buildings on the site of the current Advance Aesthetics medical office. The property was recently annexed into the City and rezoned for this purpose. Mr. Gunn added that the current Advanced Aesthetics building will be demolished and after the building is constructed they will occupy 25% of the building. That building will also dedicate 5,000 square feet for an ambulatory surgical center and the building will front onto the courtyard. He added that the proposed access to the property would be through a shared drive off Highway 54. Mr. Gunn noted that the intent is to have a campus atmosphere that would connect this building with the future building. The applicant was provided with a few staff concerns, which were addressed, but the landscaping still needs to be looked over by staff. Staff recommended approval of the development plans and asked the commission if they approve the plan it should be approved with condition that staff be allowed to go over the landscaping and approve it.

Chairman Murphy asked staff if that were the only outstanding issue.

Mr. Gunn said that was correct.

Chairman Murphy called on the applicant for further comments.

Mr. Steve Watson represented this project. He added that he knows about the highway corridor buffer and they are agreeable to any stipulations that are put on this project to meet the requirements for approval.

Chairman Murphy called for public comments. There were no public comments. She called on the commissioners. There were no comments.

Chairman Murphy called for a motion.

**Motion:** Vice-Chairman Talley motioned to approve the development plans for Prestige Park.  
**Second:** Commissioner Anderson seconded the motion.  
Chairman Murphy offered a friendly amendment that the approval is conditions upon staff approving landscaping and the highway corridor buffer.  
Friendly amendment accepted.

Commissioner Feldman offered another amendment that the there should be some landscaped island in the parking lot.  
Friendly amendment accepted.

***Vote:*** Unanimous

Motion carried.

**Banks Crossing Stein Mart Renovations, 190 Banks Crossing - Elevations Plans - File # 04-040.02**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing revised elevations for the former Stein Mart store located in the Banks Crossing shopping center. The Banks Crossing shopping center was built in 1987 and AIG Baker, the owner, has been renovating the entire shopping center over the past two years. Some of the overall improvements included adding sidewalks and providing landscaped buffering, and this is another continuation of the overall improvement of the shopping center. Mr. Gunn added that the applicant proposes to divide the former Stein Mart space for use by two retail tenants. The front elevation will include material and colors that match the surrounding elevations in the center and the Fayette Pavilion. Staff recommended approval.

Chairman Murphy called on the applicant for additional information.

The applicant did not have anything to add.

Chairman Murphy called for public comments. There were no public comments. She then called on the commissioners

Vice-Chairman Talley asked the applicant if the guitar store is a franchise or company store.

The applicant said it is a company store.

Vice-Chairman Talley asked if there were going to have any neon equipment on the building.

The applicant answered, "No".

Chairman Murphy called for a motion.

***Motion:*** Commissioner Bittinger motioned to approve the revised elevation plans for Banks Crossing Stein Mart Renovations.

***Second:*** Commissioner Feldman seconded the motion.

***Vote:*** Unanimous

Motion carried.

**Staff Reports**

Mr. Gunn said that the first annual Planning & Zoning Commission retreat would be on April 28, 2006 at the Train Depot from 1 pm to 5 pm.

Chairman Murphy asked if anyone had anything to discuss with the Commission.

Commissioner Crain said again that he would like to give his heart felt thanks to all the people he worked with for the past six years.

Chairman Murphy called for a motion to adjourn.

***Motion:*** Commissioner Crain motioned adjourn the March 28, 2006 meeting.

***Second:*** Commissioner Feldman seconded the motion.

***Vote:*** Unanimous

Motion carried.

Meeting was adjourned.

Respectfully Submitted,

Bibi Alli  
Staff Assistant